UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,553	09/25/2003	Toshimitsu Kaneko	243083US2RD	4015

22850　　7590　　08/27/2007		EXAMINER
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ART UNIT	PAPER NUMBER
2623	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/669,553	KANEKO ET AL.
	Examiner	**Art Unit**	
	John R. Schnurr	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 September 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-SB/08)
    Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :05/14/2007, 08/31/2005, 07/22/2005, 04/19/2005, 02/01/2005 and 02/18/2004.

DETAILED ACTION

1.   This Office Action is in response to Application No. 10/669,553 filed 09/25/2003.

Claims 1-11 are pending and have been examined.

2.   The information disclosure statements (IDS) submitted on 05/14/2007,

08/31/2005, 07/22/2005, 04/19/2005, 02/01/2005 and 02/18/2004 were considered by

the examiner.

Specification

3.   The disclosure is objected to because of the following informalities: Page 12

paragraph 3, page 14 paragraph 1 and page 24 paragraph 2 state, "the method of

Patent Document 1". No such document is cited in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims **6 and 7** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

6.   Claim **6** recites the limitation "the distribution timing" in lines 3-4 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

In order to advance prosecution on the merits, "the metadata transmission unit adjusts a timer time to be used when the metadata to be distributed and the distribution timing are determined in accordance with the received time stamp." was interpreted to be;

> the metadata transmission unit adjusts the time in which the metadata is sent in accordance with the received time stamp.

7.   Claim **7** recites the limitations "the distribution timing" in line 2 of the claim, "the transmission timing" in lines 3-4 of the claim and "the timer time" in line 5 of the claim. There is insufficient antecedent basis for these limitations in the claim.

In order to advance prosecution on the merits, "when the metadata to be distributed and the distribution timing are determined, the metadata transmission unit determines the transmission timing of partial data in the metadata by using data-transmission interval calculated from the timer time and the data transfer speed of the streaming distribution and an allowed time difference between the time stamp and the partial data of the metadata to be transmitted next." was interpreted to be;

> the metadata transmission unit determines the time at which the metadata will be transmitted based on the data-transmission interval.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claims **1, 3, 4, 6-11** are rejected under 35 U.S.C. 102(e) as being anticipated by

Levy et al. (US Patent Application Publication 2002/0162118), herein Levy.

Consider **claim 1**, Levy clearly teaches a client device capable of accessing a hypermedia-data server device through a network, **(Fig. 1)** comprising:

a playback unit to play back a moving image; **(Fig. 2: Digital processing module 32 processes the content signal received by input 34 to be displayed on the TV, [0042].)**

a time-stamp transmission unit to transmit the time stamp of the image in playback mode to the server device; **(A timestamp is transmitted with the content identifier to the server, [0077] and [0081].)**

a metadata receiving unit to receive metadata having information related to the contents of the image at each time stamp from the server device by streaming distribution in synchronization with the playback of the moving image; **(The STB receives the interactive data from the server, the interactive data is chosen based on the timestamp and streamed to the STB, [0098]-[0100].)**

a controller to display the received metadata or performing control on the basis of the metadata in synchronization with the playback of the image. **(The STB then requests interactive content associated with the synchronized interactive data, [0082].)**

Consider **claim 3**, Levy clearly teaches when the metadata is received by streaming distribution, the time-stamp transmitting unit adjusts timer time at which the time stamp to be transmitted to the server device is produced in accordance with the time stamp of the image. **(The STB produces a precise time to be sent to the server from the timestamp, [0048].)**

Consider **claim 4**, Levy clearly teaches a server device capable of accessing a hypermedia-data client device through a network **(Fig. 3)**, comprising:

a metadata storage unit to store metadata having information related to the contents of an image corresponding to each time stamp of a moving image to be played back by the client device; **(Fig. 4: Database 112**

maintains the interactive data, [0054], which is related to the contents of the image based on timestamps, [0100].)

a time-stamp receiving unit to receive the time stamp of the image to be played back, the time stamp being transmitted from the client device; **(The STB transmits the content identifier and timestamp data to the server, [0081].)**

a metadata transmission unit to transmit the stored metadata to the client device by streaming distribution in synchronization with the playback of the image in accordance with the received time stamp. **(The STB receives the interactive data from the server, the interactive data is chosen based on the timestamp and streamed to the STB, [0098]-[0100].)**

Consider **claim 6**, Levy clearly teaches the metadata transmission unit adjusts a timer time to be used when the metadata to be distributed and the distribution timing are determined in accordance with the received time stamp. **(The STB and server are synchronized, [0048].)**

Consider **claim 7**, Levy clearly teaches when the metadata to be distributed and the distribution timing are determined, the metadata transmission unit determines the transmission timing of partial data in the metadata by using data-transmission interval calculated from the timer time and the data transfer speed of the streaming distribution and an allowed time difference between the time stamp and the partial data of the metadata to be transmitted next. **(The meta data is transmitted for specific time intervals, therefore the server must compensate for the transmission delay in order to ensure the metadata arrives before the set interval, [0100].)**

Consider **claim 8**, Levy clearly teaches a server device according to claim 4, further comprising:

a position-correspondence-table storage unit to store position-correspondence table in which a time stamp and a storage position of metadata related to the time stamp are in correspondence with each other; **(Table 4: Timestamp and metadata storage position are associated, [0100])**

wherein, upon receiving playback start time for the moving image, the metadata transmission unit sequentially sends the metadata by streaming distribution from a metadata storage position specified with reference to the position-correspondence table. **([0100])**

Consider **claim 9**, Levy clearly teaches a server device according to claim 4, further comprising:

> a first-table storage unit to store a first table that brings the sections of the time stamps related to a plurality of pieces of the metadata into correspondence with information for specifying the metadata; **(Table 4: Timestamp and metadata storage position are associated, [0100])**

> a second-table storage unit to store a second table that brings the time stamps into correspondence with storage positions of metadata related to the time stamps; **(Fig. 4: A distributed router interactive system may be used, which stores the ,metadata in a plurality of locations, [0054]-[0055])**

> wherein, upon receiving playback start time for the moving image, the metadata transmission unit sends partial data of the metadata specified with reference to the first table by streaming distribution, and then sequentially sends the metadata from the storage position specified with reference to the second table by streaming distribution. **([0100])**

Consider **claim 10**, Levy clearly teaches a method for playing back a moving image in a client device capable of accessing a hypermedia-data server device through a network, **(Fig. 1)** comprising:

> playback step of playing back the moving image; **(Fig. 2: Digital processing module 32 processes the content signal received by input 34 to be displayed on the TV, [0042].)**

> time-stamp transmission step of transmitting the time stamp of the image in playback mode to the server device; **(A timestamp is transmitted with the content identifier to the server, [0077] and [0081].)**

> a metadata receiving step of receiving metadata having information related to the contents of the image at each time stamp from the server device by streaming distribution in synchronization with the playback of the moving image; **(The STB receives the interactive data from the server, the interactive data is chosen based on the timestamp and streamed to the STB, [0098]-[0100].)**

> control step of displaying the received metadata or performing control on the basis of the metadata in synchronization with the playback of the image. **(The STB then requests interactive content associated with the synchronized interactive data, [0082].)**

Consider **claim 11**, Levy clearly teaches a method for transmitting data in a
server device capable of accessing a hypermedia-data client device through a
network, comprising:

time-stamp receiving step of receiving the time stamp of an image to be
played back, the time stamp being transmitted from the client device; **(The
STB transmits the content identifier and timestamp data to the
server, [0081].)**

metadata transmission step of transmitting metadata having information
related to the contents of an image corresponding to each time stamp of a
moving image to be played back by the client device to the client device
by streaming distribution in synchronization with the playback of the image
on the basis of the received time stamp. **(The STB receives the
interactive data from the server, the interactive data is chosen based
on the timestamp and streamed to the STB, [0098]-[0100].)**

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims **2 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Levy et al. (US Patent Application Publication 2002/0162118) in view of **Katcher et**

al. (US Patent 7,120,924), herein Katcher.

Consider **claim 2**, Levy clearly teaches the client device of claim 1, wherein the
metadata includes data specifying contents to be displayed or an action to be
performed in response to a user input. **([0082] and [0085])**

However, Levy does not explicitly teach object-area data specifying the area of
an object appearing in the image corresponding to each time stamp; and data
specifying contents to be displayed when the area specified by the object-area
data is designated or an action to be performed when the area specified by the
object-area data is designated.

In an analogous art Katcher, which discloses a system for interactive television, clearly teaches object-area data specifying the area of an object appearing in the image corresponding to each time stamp; and data specifying contents to be displayed when the area specified by the object-area data is designated or an action to be performed when the area specified by the object-area data is designated. **(Mask data, location, and annotation data, data specifying contents, are transmitted to the STB and displayed is response to user input, column 4 lines 34-48.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Levy by specifying a location in the metadata, as taught by Katcher, for the benefit of creating hyperlinked programming in which information is associated with one or more regions of the screen (column 1 lines 33-43 Katcher).

Consider **claim 5**, see claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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